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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,564	12/17/2001	Takaaki Kutsuna	011709	6229
23850	7590	12/14/2004		
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			EXAMINER KEEHAN, CHRISTOPHER M	
			ART UNIT 1712	PAPER NUMBER

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/015,564

Applicant(s)

KUTSUNA ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-42 and 47-58 is/are rejected.
- 7) ☒ Claim(s) 43-46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/04 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 10/28/04 have been fully considered but they are not persuasive. As set forth in the previous office action, Formula I of Nishimura et al. (Abstract and col.2, lines 42-62) clearly shows that  $n$  can be equal to zero. When  $n=0$ , the compound of Nishimura et al. is the same as that of applicant's.

### ***Examiner's Comments***

In the previous office action, it was indicated that claims 31-58 were allowed. However, upon further searching, copending application 10/488684 has been found. Therefore, the allowability of these claims has been withdrawn and the claims have been treated as set forth below.

### ***Double Patenting***

Claims 24-42 and 47-58 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 10/488684. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reasons as set forth below.

Claims 1-12, 18-20, 22, 23, 26, 28, and 29 of 10/488684 claim an adhesive that is at least obvious from that of the claims 24-30 of the instant application. Claims 2, 7, 9, 10, 21, 23, and 27-29 of 10/488684 are claiming ranges not specifically claimed in the instant application. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplied the claimed reactants in amounts included in the ranges as claimed in 10/488684 because the closer to a 1:1 molar ratio the more effective and less waste in the reaction. Claim 11 of 10/488684 is claiming an inherent property of the composition, which must necessarily be present in the instantly claimed composition, as the claimed materials are the same. Claims 1, 3-6, 8, 12, 14, 15, 18-20, 22, and 24-26 claim an adhesive that is the same as that of claims 24-30 of the instant application. Claims 13-17 of 10/488684 are claiming a laminate and adhesive that are claimed in claims 31-42 and 47-58 of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (3,683,044) in view of Nishimura et al. (5,356,961). Regarding claims 24-28, Huang et al. disclose a composition for coating comprising an epoxy resin and an amine curing agent, wherein the epoxy resin is an epoxy with a glycidylamine moiety derived from metaxylylenediamine (col.3, line 41-col.4, line 20), and that the epoxy resin can be cured by curing agents customarily used for curing glycidyl compounds (col.4, lines 38-53). Huang et al. do not appear to specifically disclose an amine curing agent that is a reaction product of metaxylylenediamine and a polyfunctional compound having at least one acyl group. Nishimura et al. disclose an epoxy resin composition comprising an epoxy resin and a curing agent that is a reaction product of metaxylylenediamine and a polyfunctional compound having at least one acyl group (col.2, line 64-col.3, line 40), and that a mixture of the acyl-containing compounds can be used (col.3, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the amine curing agent of Nishimura et al. in the composition of Huang et al. because Nishimura et al. teach that using an amine curing agent as claimed produces a high curing rate with a cured coating excellent in external appearance and adhesivity resulting in a higher quality product.

Regarding claims 29 and 30, the Huang et al. combination does not disclose a gas barrier property. However, as the combination discloses the same materials as claimed, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made for the composition of the Huang et al. combination to have an at least similar gas barrier property because the materials of the Huang et al. combination discloses at least similar materials, and at least similar materials would have yielded a composition with an at least similar gas barrier property.

### ***Allowable Subject Matter***

Claims 43-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not appear to teach or disclose the claimed composition in the multilayered laminates as claimed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan

December 9, 2004

*Christopher Keehan  
Art Unit 1712  
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